

UNITED STATES DISTRICT COURT

for the

Northern District of New York

UNITED STATES OF AMERICA)

v.)

Case No. 8:19-MJ-476 (GLF)

AGUILAR-Barradas, Elyoenai)

Defendant)

CRIMINAL COMPLAINT


I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date(s) of July 29, 2019, in the county of Clinton in the Northern District of New York, the defendant violated:

Code Section
8 U.S.C. § 1325(a)(2)

Offense Description
Eluding examination or inspection by immigration officers.

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.


Complainant's signature
Katherine Grabda, Border Patrol Agent
Printed name and title

Sworn to before me and signed in my presence.

Date: July 31, 2019


Judge's signature

City and State: Plattsburgh, NY

Hon. Gary L. Favro, U.S. Magistrate Judge
Printed name and title

United States of America v. AGUILAR-Barradas, Elyoenai

On July 29, 2019, Border Patrol Agent (BPA) Allen Hutchinson was conducting static surveillance operations near the intersection of Thompson Road and Northstar Roads in Champlain, NY. This area is commonly used as a pick-up location by illegal alien and contraband smugglers that have illegally entered the United States from Canada. Northstar Rd runs relatively parallel to the international border, and the specific area mentioned is around 3/4 mile south of the international border with Canada in the Town of Champlain, NY.

At approximately 3:50 A.M., BPA Hutchinson observed a silver Mazda 3 heading east on Northstar Rd that was occupied by a driver and a front seat passenger. Approximately 2 minutes later, BPA Hutchinson witnessed the same vehicle drive back past him heading west on Northstar Rd., but now with multiple subjects in the back seat of the vehicle. BPA Hutchinson followed the vehicle as it headed westbound on Northstar Rd. and observed it had a Kentucky temporary registration. BPA Hutchinson conducted a vehicle stop utilizing his fully marked USBP service vehicle.

BPA Hutchinson approached the vehicle and identified himself as a United States Border Patrol Agent and began to question all the occupants of the vehicle as to their purpose for being in the area, as well as their citizenship, and immigration status in the United States. BPA Hutchinson asked the driver where they were coming from and the driver stated "Indiana." When BPA Hutchinson asked the driver where he was going, the driver stated that he was looking for a hotel for his friends in the backseat.

BPA Hutchinson questioned a backseat passenger, later identified as AGUILAR-Barradas, Elyoenai, as to his citizenship and immigration status in the United States. BPA Hutchinson asked the subject in the Spanish language of what country he is a citizen, and if he possessed any documents that would allow him to remain in the United States legally. The subject conveyed that he is a citizen of Mexico, and that he did not have documents. At that point BPA Hutchinson asked the subject to exit the vehicle and transported him back to the Champlain border Patrol station for further identification and questioning.

Once at the station, the subject was entered into the IAFIS/IDENT fingerprint system and record checks were ran through sector dispatch. Immigration and criminal checks did not reveal any findings. The subject admitted while under oath to flying into Canada on July 22, 2019 from Mexico, with the intention to attempt to illegally enter the United States by walking through the woods.

AGUILAR-Barradas, Elyoenai is a citizen of Mexico who illegally entered the United States at a place not designated as a port of entry and United States immigration records show that the subject has never received a visa or any other kind of United States immigration documents that would allow him to enter legally.